

Margareth J. Bennet
EEO Manager
U.S. National Cemetery Administration
810 Vermont Avenue, NW (20M2)
Washington DC 20420

Dear Manager Bennet:

The United States Equal Employment Opportunity Commission's (EEOC's) Office of Federal Operations (OFO) has reviewed the reports filed by the U.S. National Cemetery Administration (NCA) under EEOC's EEO Management Directive 715 (MD-715) for Fiscal Year (FY) 2005. We genuinely appreciate the work your staff invested in these reports, and your leadership and support of our collaborative effort to advance our mutual goal of making the federal government a model EEO employer.

The reports show a steady willingness to address critical workforce issues within NCA. We are optimistic that your EEO program will continue to develop in an effort to meet your agency's mission. While agencies report on myriad employment activities under MD 715, we wanted to bring your attention to the specific activities we have addressed below.

Proactive Prevention

We have reviewed the Workforce Data Tables that NCA provided with its FY 2005 report. These tables have allowed NCA to assess the participation rates of various employee groups in its workforce as well as provide the EEOC an opportunity assess NCA's progress towards creating a model EEO workplace. We have found that many agencies, during these first years of reporting under MD-715, experienced difficulties in generating and analyzing the data called for by the Workforce Data Tables. We note that your parent agency, the U.S. Department of Veterans Affairs (VA) has been at the forefront of federal agencies in supporting and implementing MD-715 by developing and sharing software to automate tables and self-assessment tools, and for providing all VA managers with tools to view data and reports providing in-depth diversity analyses for use in exploring for barriers in their units. We encourage all agencies to focus on the connection between the data reported in the Workforce Data Tables and the identification of barriers, objectives, and action items. Our preference is to see a thorough analysis of the data to address possible barriers.

In its FY 2005 report, NCA submitted PART Is (EEO Plan to Eliminate Identified Barrier) which follow a standard goal structure established by VA for all of its component agencies, including NCA, Veterans Benefits Administration and Veterans Health Administration. This standard goal structure allow VA's components the freedom to address their specific issues within the overarching agency-wide goals while still allowing VA to monitor the efforts of its components and roll-up their plans into an agency-wide report. Our comments on those plans and initiatives are contained in a letter to VA.

We note that large agencies with Second Level Reporting Components may have agency-wide plans and initiatives that encompass their component agencies. However, the component's plans should tailor those agency-wide plans and initiatives to the situation at the component and report the specific activities that will be undertaken by the component as part of the agency-wide effort. The planned activities set forth in NCA's PART I's show important steps in building the foundation of an effective EEO program. In addition, NCA has developed an ambitious plan, although we are concerned that there may not be sufficient intermediate steps or milestones upon which would allow NCA to assess its progress during each fiscal year.

We also take this opportunity to note that component agencies should do a thorough barrier analysis based on their own specific workforce data and not assume that there are no barriers outside of those present at the agency-wide level. It is our understanding that VA's goal structure does not pose any impediments to a component agency's setting of its own goals. Moreover, workforce statistics may be useful as an initial diagnostic tool, but the identification of workplace barriers requires a thorough examination of all of the circumstances, and the assessment of trends, workplace climate and local reports will be different within individual components or even individual facilities. That is why it is necessary to have EEO staff within such components and facilities.

Accordingly, we look forward to seeing a focused analysis of the steps taken by NCA to examine its workforce data and its assessment of the relevant policies, practices, procedures and conditions at NCA that may be creating barriers to equal opportunity in NCA's FY 2006 report.

People With Targeted Disabilities

The recruitment, employment and retention of people with targeted disabilities has been a long standing goal for the federal government. Notwithstanding, a review of Federal Sector data indicates that much work remains to be done. As noted below, the participation rate of federal employees with disabilities, particularly those with targeted disabilities, has declined each year at a rate greater than that of the overall federal work force.

	Federal Work Force (FWF)		Employees with Targeted Disabilities		
	#	Change	#	Change	% of FWF
FY 2001	2,445,335	0.11%	26,834	-1.46%	1.10%
FY 2002	2,459,505	0.58%	26,230	-2.25%	1.07%
FY 2003	2,428,330	-1.27%	25,551	-2.59%	1.05%
FY 2004	2,606,903	7.35%	25,917	1.43%	0.99%
FY 2005	2,610,920	0.15%	25,142	-2.99%	0.96%

As a result, every effort must be made to close this gap. We note that the participation rate for employees with targeted disabilities remained steady at NCA at 1.49% for FY 2005. This is below the "Federal high" participation rate for agencies, held by the Equal Employment Opportunity Commission at 2.16%.

NCA's plans to increase representation of persons with targeted disabilities again replicate the plans contained in VA's report. We look forward to seeing a focused analysis of the steps taken by NCA to examine its workforce data and its NCA-specific Special Program Plan for the Recruitment, Hiring and Advancement of Individuals with Targeted Disabilities in NCA's FY 2006 report.

Finally, notwithstanding NCA's accomplishments, MD-715 requires that a specific numerical goal be established for the employment of persons with targeted disabilities. We urge NCA to establish such a goal.

Efficiency

We have chosen to highlight the essential element of **Efficiency**, under which agencies must have an efficient and fair dispute resolution process and effective systems for evaluating the impact and effectiveness of their EEO and ADR programs.

The Commission's regulations found in 29 C.F.R. Part 1614 set forth mandatory time-limits for processing EEO complaints. In most cases where no hearing is elected, complaint processing should be completed within 280 days (180 days for investigation, 30 days for election of hearing or final agency decision, five days for complainant's receipt of election letter, five days for agency's receipt of election decision, 60 days for decision issuance).

In its FY 2005 Form 462, NCA reported that, on average, the processing of a complaint from date of complaint filing to closure (without an AJ decision) took 174 days. NCA also reported that for FY 2005 it timely completed 40 of 40 EEO counselings, or 100%; 13 of 16 EEO investigations, or 81%; and timely issued 4 of 6 final agency merit decisions on complaints where there was no Administrative Judge's decision, or 66%.

We recognize that VA's Office of Resolution Management is responsible for investigating complaints and issuing final agency decisions. Moreover, NCA has achieved a 100% rate for the timely provision of EEO counseling. Thus, NCA continues to make progress in its program efficiency. We remain available to provide technical assistance to help NCA continue this trend. We also note a report which EEOC has issued, *Attaining a Model Agency Program: Efficiency*. This report includes several best practices established by other federal agencies in establishing and maintaining an efficient complaint resolution process. It is posted at our website under the link: www.eeoc.gov/federal/efficiency.

Again, we are encouraged by NCA's overall efforts and we stand ready to provide assistance. We look forward to working with you and NCA as you continue to strive for Model EEO Program status. If you have any questions or wish for a more detailed briefing on this, please let me know. I may be reached at carlton.hadden@eeoc.gov or (202) 663-7133.

Sincerely,

Carlton M. Hadden, Director
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